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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/603,522

06/25/2003

Tsunetoshi Miura

AA597

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01/23/2008

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EXAMINER

HAND, MELANIE JO

ART UNIT

PAPER NUMBER

3761

MAIL DATE

DELIVERY MODE

01/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: TSUNETOSHI MIURA, KENSUKE ITO, AKIKO SASAKI,
YOSHIKO NAKAO, SHURI KONDO, and KOICHI TOMI_____

Application No. 10/603,522

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on January 2, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

INFORMATION DISCLOSURE STATEMENT

Appellants filed three separate Information Disclosure Statement's (IDS) dated January 31, 2006, April 07, 2006, and November 14, 2006. There is no indication on the record that the above Information Disclosure Statement's were considered by the examiner. A written communication notifying appellants of the Examiner's consideration is required.

EXAMINER'S ANSWER

Evidence of Record

On July 26, 2006, an Examiner's Answer was mailed in response to the Appeal Brief received May 3, 2006. A review of the Examiner's Answer reveals that it is not in compliance with the Manual of Patent Examining Procedure (MPEP). In the Claims Appendix (section 7) the Examiner indicates "[n]o evidence is relied upon by the examiner in the rejection of the claims under appeal." In accordance with MPEP § 1207.02, the Examiner's Answer should include a separate heading for the Evidence Relied Upon (section 8):

(8) **Evidence Relied Upon**

A listing of evidence relied on (e.g., patents, publications, admitted prior art), and in the case of non-patent references, the relevant page or pages.

Correction of the record is required.

Accordingly, it is

ORDERED that the application is returned to the examiner for:

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the examiner to:

1) consideration and proper written response to the identified Information Disclosure Statements dated January 31, 2006, April 07, 2006, and November 14, 2006, is required;

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- 2) to notify appellants of such consideration;
- 3) for the Examiner to issue and mail a form PTOL-90 identifying the proper references to be listed under the Evidence relied upon section; and,
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571)272-9797

PJN/jrg